

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sara Griffin	Team: Squad #4	CCRB Case #: 201805031	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Sunday, 06/24/2018 1:20 PM	Location of Incident: West 12th Street and 7th Avenue	Precinct: 06	18 Mo. SOL 12/24/2019	EO SOL 12/24/2019	
Date/Time CV Reported Sun, 06/24/2018 9:13 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 06/24/2018 9:13 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Kevin Cox	07108	938279	046 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Anthony Duro	14044	950362	046 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Kevin Cox	Abuse: Police Officer Kevin Cox threatened individuals with the use of force.	
B.POM Kevin Cox	Discourtesy: Police Officer Kevin Cox spoke discourteously to § 87(2)(b)	
C.POM Kevin Cox	Off. Language: Police Officer Kevin Cox made remarks to § 87(2)(b) based upon the physical disability of § 87(2)(b)	
D.POM Kevin Cox	Discourtesy: Police Officer Kevin Cox spoke discourteously to individuals.	
E.POM Kevin Cox	Off. Language: Police Officer Kevin Cox made remarks to individuals based upon the physical disability of individuals.	
F.POM Kevin Cox	Discourtesy: Police Officer Kevin Cox acted discourteously toward individuals.	

Case Summary

On June 24, 2018, § 87(2)(b) filed the following complaint with the CCRB via the on-line website. § 87(2)(b) filed the complaint on behalf of herself; her niece, § 87(2)(b) and unidentified PRIDE parade spectators.

On June 24, 2018, at approximately 1:20 p.m., Police Officer Kevin Cox of the 46th Precinct was assigned to the PRIDE parade detail at the intersection of West 12th Street and 7th Avenue in Manhattan. PO Cox threatened unidentified individuals with the use of force (**Allegation A- Abuse of Authority**, § 87(2)(g)). PO Cox spoke discourteously to § 87(2)(b) (**Allegation B- Discourtesy**, § 87(2)(g)). PO Cox allegedly made remarks to § 87(2)(b) based upon physical disability (**Allegation C- Offensive Language**, § 87(2)(g)). PO Cox spoke discourteously to unidentified individuals (**Allegation D- Discourtesy**, § 87(2)(g)). PO Cox allegedly made remarks to unidentified individuals based upon physical disability (**Allegation E-Offensive Language**, § 87(2)(g)). PO Cox acted discourteously toward unidentified individuals (**Allegation F- Discourtesy**, § 87(2)(g)).

No summonses were issued or arrests made regarding the civilians involved in the complaint.

There is video footage capturing the parade, but the video footage was of poor quality and the specific allegations were not captured.

Findings and Recommendations

Allegation A- Abuse of Authority: Police Officer Kevin Cox threatened individuals with the use of force.

It is undisputed that PO Cox was assigned to the PRIDE parade detail at the intersection of West 12th Street and 7th Avenue in Manhattan. PO Cox's duties included crowd control and clearing the street for emergency vehicles to utilize the roadway. It is undisputed that PO Cox issued a multitude of instructions to parade spectators during the detail. It is undisputed that § 87(2)(b) along with her nieces and nephew, § 87(2)(b) and § 87(2)(b) were standing near PO Cox's post.

§ 87(2)(b) testified (Board Review 1) that on two occasions PO Cox removed a can of pepper spray from his utility belt and shook it while yelling at spectators to get out of the street. § 87(2)(b) did not have contact information for the alleged victims. § 87(2)(b) also alleged this in her initial website complaint, which was filed on the same date of the incident (Board Review 2).

§ 87(2)(b) testified (Board Review 11) to seeing PO Cox remove the pepper spray and shake it towards a spectator crossing the street.

§ 87(2)(b) and § 87(2)(b) (Board Review 6 and 7) testified to seeing, while § 87(2)(b) (Board Review 8) did not remember seeing, PO Cox remove the pepper spray and shake it at spectators.

§ 87(2)(b) (Board Review 4) and § 87(2)(b) (Board Review 5) did not see PO Cox remove pepper spray and shake it towards spectators.

PO Cox testified (Board Review 3) and stated that it was “possible” that he removed his pepper spray if civilians were noncompliant, however, he did not recall any specific civilians being noncompliant with his commands. PO Cox denied shaking the can of pepper spray at any civilians.

PO Duro testified (Board Review 9) and did not see PO Cox remove his pepper spray and shake it towards any spectators.

Patrol Guide Procedure 221-07 (Board Review 12) states that the proper use of Oleoresin Capsicum (O.C.) pepper spray is to gain or maintain control of persons who are actively resisting arrest or lawful custody or exhibiting active aggression, or to prevent individuals from physically injuring themselves, members of service, or other persons.

§ 87(2)(g)
[REDACTED]

Allegation B- Discourtesy: Police Officer Kevin Cox spoke discourteously to § 87(2)(b)

Allegation C- Offensive Language: Police Officer Kevin Cox made remarks to § 87(2)(b)
based upon the physical disability of § 87(2)(b)

Allegation D- Discourtesy: Police Officer Kevin Cox spoke discourteously to individuals.

Allegation E- Offensive Language: Police Officer Kevin Cox made remarks to individuals based upon the physical disability of individuals.

§ 87(2)(b) testified (Board Review 1) that PO Cox used profanity, including the word “fuck,” and offensive language toward multiple individuals throughout the parade. During one occasion, PO Cox yelled and cursed at an unidentified Asian male who was standing in the crosswalk taking a photograph; however, § 87(2)(b) did not remember specifically what PO Cox said. During another occasion, when § 87(2)(b) questioned PO Cox about having placed his hands on § 87(2)(b) to move her from the street, PO Cox told § 87(2)(b) “Shut the fuck up.” During another occasion, PO Cox approached one male in a group and yelled, “Do you need a fucking special invitation to get off the street?” and called the male either “special education” or “retard.” § 87(2)(b) did not know the names or contact information of the unidentified individuals. § 87(2)(b)

§ 87(2)(b)'s initial website complaint, which was filed several hours after the incident, was consistent with her in-person statement (Board Review 2).

§ 87(2)(b) testified (Board Review 11) that after protesting PO Cox moving § 87(2)(b) PO Cox asked if she was "fucking retarded." § 87(2)(b) did not allege that PO Cox told her to "shut the fuck up." § 87(2)(b) also heard PO Cox asking an unidentified individual, "Do you need special education?"

§ 87(2)(b) an independent witness, testified (Board Review 4) that he heard PO Cox use the word "fuck" multiple times towards parade spectators. However, § 87(2)(b) did not recall the exact statements PO Cox made nor the contexts of the profanity. § 87(2)(b) did not remember hearing PO Cox say to anyone, "Do you need a fucking special invitation to get off the street?", "shut the fuck up," "retard" or "special education." § 87(2)(b) did not hear PO Cox use the word "retarded" towards any spectators.

In her phone statement (Board Review 5), § 87(2)(b)'s wife, § 87(2)(b) also an independent witness, stated PO Cox used profanity toward parade spectators. However, § 87(2)(b) did not remember the specifics of the profanity. § 87(2)(b) stated it was possible that PO Cox said, "shut the fuck up." § 87(2)(b) believed she heard PO Cox ask a spectator, "Are you stupid?" § 87(2)(b) did not hear PO Cox call anyone, "retard," "retarded," or "special education." § 87(2)(b) did not hear PO Cox say to anyone, "Do you need a fucking special invitation to get off the street?"

§ 87(2)(b) (Board Review) stated that PO Cox told § 87(2)(b) to "shut the fuck up" and called her a "fucking retard." PO Cox said to civilians, "Stay off the fucking road," and used the word "fuck" towards them, but § 87(2)(b) could not remember the context in which the word was used. PO Cox also called civilians, § 87(2)(b) did not recall specifically who, "stupid," "retard," and "special education." PO Cox said to a group that was standing across the street, "Do you need a fucking special invitation to get off the street?"

§ 87(2)(b) (Board Review) stated she heard PO Cox use the word "fuck" toward civilians multiple times. PO Cox told § 87(2)(b) to "shut the fuck up." PO Cox told an unidentified female in the group, "Do you need a fucking special invitation to get off the street?" PO Cox told another unidentified female that she needed to "fucking listen" to him. § 87(2)(b) did not remember hearing PO Cox call anyone a "retard" or "special education."

§ 87(2)(b) (Board Review) heard PO Cox cursing, but she did not remember to who. PO Cox used the word "fuck" towards civilians, but § 87(2)(b) did not recall the specific statements he made or the context of those statements. § 87(2)(b) did not hear PO Cox say, "shut the fuck up" to § 87(2)(b) and she did not remember hearing PO Cox calling § 87(2)(b) "slow." § 87(2)(b) recalled hearing PO Cox say to a civilian "fucking retard," but she did not recall who this was said to specifically. PO Cox said, "Do you need a fucking special invitation to get off the street?" however, § 87(2)(b) did not remember the specifics about the conversation. PO Cox called a civilian, "retarded" once; she believed PO Cox said the civilian was "acting retarded" because they were not listening to him. § 87(2)(b) did not hear PO Cox call a civilian "special education."

PO Cox testified (Board Review 3) and denied using discourteous language, including “fuck”, towards any of the parade spectators. PO Cox denied the specific discourteous language allegations. PO Cox stated that he had to “yell forcibly” at civilians during the parade while issuing instructions, but stated that he did not remember any specific civilians not complying with his command during the parade. PO Cox denied making any comment based upon the physical disability of any spectator. PO Cox denied the specific offensive language allegations.

PO Duro testified (Board Review 9) that he was approximately 20 feet away from PO Cox during the parade. PO Duro did not remember hearing PO Cox use any discourteous or offensive language towards parade spectators.

Patrol Guide Procedure 203-09 (Board Review 10) states that officers must be courteous and respectful to the public.

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation F- Discourtesy: Police Officer Kevin Cox acted discourteously toward individuals.

It is undisputed that PO Cox had a water bottle in possession during the course of the parade.

§ 87(2)(b) testified (Board Review 1) to observing PO Cox throw water from his water bottle onto a spectator who was standing in the street. § 87(2)(b) also alleged this in her initial website complaint, which was filed on the same day of the incident (Board Review 2). § 87(2)(b) did not have the contact information for the alleged victim.

§ 87(2)(b) (Board Review 11) did not see PO Cox throw water onto spectator, but did see PO Cox in possession of a water bottle.

§ 87(2)(b) and § 87(2)(b) both testified (Board Review 4 and 5) to seeing PO Cox throw water from his water bottle onto spectators approximately two times. The spectators were attempting to cross the street.

§ 87(2)(b) and § 87(2)(b) (Board Review 6, 7, and 8) all testified to seeing PO Cox throw water onto spectators in the street multiple times.

PO Cox testified (Board Review 3) and denied throwing water from his water bottle onto spectators.

PO Duro testified (Board Review 9) to seeing PO Cox in possession of a water bottle throughout the parade, but did not see PO Cox throw water onto any spectators.

Patrol Guide Procedure 203-09 (Board Review 10) states that officers must be courteous and respectful to the public.

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 13).
- This is the first CCRB complaint to which § 87(2)(b) has been a party (Board Review 14).
- PO Cox has been a member of service for 13 years and has been a subject in 12 CCRB complaints and 23 allegations, none of which were substantiated. § 87(2)(g) (Board Review 15).

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- The New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards this to complaint (Board Review 18).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 16).
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (Board Review 17).

Squad No.: _____

Investigator: _____

	Signature	Print Title & Name	Date
Squad Leader:	_____	_____	_____
	Signature	Print Title & Name	Date
Reviewer:	_____	_____	_____
	Signature	Print Title & Name	Date